

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA :

- v. - :

: **SENTENCING MEMORANDUM**

**JUAN GARCIA,**

: **01 Cr. 35 (LTS)**

Defendant.

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# Federal Defenders OF NEW YORK, INC.

Southern District  
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Leonard F. Joy  
Executive Director

Southern District of New York  
John J. Byrnes  
Attorney-in-Charge

April 29, 2008

Honorable Laura Taylor Swain  
United States District Judge  
Southern District of New York  
United States Courthouse  
500 Pearl Street - Suite 755  
New York, NY 10007

**Re: United States v. Juan Garcia  
01 Cr. 35 (LTS)**

Dear Judge Swain:

By Order dated March 27, 2008, the Court determined that Juan Garcia was not eligible for a reduction of his sentence under the amended United States Sentencing Guidelines regarding crack cocaine.

The United States Sentencing Commission has recently amended the guidelines again in cases involving multiple drugs where the drug equivalency tables were used. This new amendment is effective on May 1, 2008.

It is my position that the new amendment benefits Juan Garcia in that it reduces his base offense level to 34 from the original 36 level. When Mr. Garcia was originally sentenced his base level was 36 and reduced to level 29 because of specific offense characteristics which included acceptance of responsibility, minor role and safety valve consideration. A two level reduction in the base offense level would result in a new total offense level of 27 at Criminal History I for a guideline range of 70 to 87 months. I request that Mr. Garcia receive a time served sentence.

I note that according to the United States Probation Department, Mr. Garcia is scheduled to be released from his present sentence on May 22, 2008. I also have been advised that the Probation Department is preparing an amended memorandum on Mr. Garcia's case. I enclose a copy of an e-mail I received from the United States Probation Department to his effect.

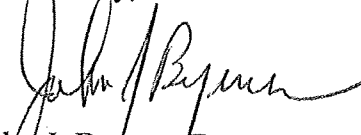
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Re: United States v. Juan Garcia  
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I respectfully request that the Court direct that the United States Probation Department and United States Attorney respond in an expedited manner to this motion given the fact that Mr. Garcia is due to be released from his present sentence by May 22, 2008.

Yours truly,



John J. Byrnes, Esq.  
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JJB:kj  
Enclosures

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Mr. Juan Garcia  
Reg. No. 45084-054